

**REMARKS**

Claims 1-22 are pending in the instant application. Claims 1-22 are subject to restriction and/or election requirement.

In response to the Restriction Requirement set forth in the Office Action mailed on June 16, 2004, Applicants hereby elect, without traverse, to prosecute the claims of Group I (Claims 1-13) drawn to an isolated nucleic polynucleotide comprising a GDF-9 regulatory element derived from a non-human GDF-9 gene selected from 10 kb DNA from 5' of the transcription site, an intron, and first 1 kb of DNA 3' of the transcription termination site, wherein said polynucleotide is greater than 261 base pair. However, Applicants have added new claims 23-25. Claims 23 and 24 depend from and are within the scope of claim 7 of the invention of Group I. Claim 25 depends from and is within the scope of claims 1, 4, 5 or 6 of the invention of Group I.

Support for the new claims 23-25 may be found throughout the specification. In particular, support for the limitation "wherein said element is derived from the first 3.3 kilobases of DNA immediately 5' of the transcription start site of a GDF-9 gene, and wherein said element causes tissue-specific expression of a gene operatively linked to the element in the oocyte" and "wherein said element downregulates expression of a gene operatively linked to the element in the oocyte" may be found at, for example page 11, line 1-3; page 14, line 8-9, respectively. In addition, support for the claim "a testicular cell containing the polynucleotide of any one of claims 1, 4, 5 or 6" may be found at, for example page 13, lines 27-30.

Applicants hereby submit that new claims 23-25 are properly grouped with the invention of Group I and should be prosecuted in the present application together with claims 1-13. Thus the Applicants' election to prosecute the invention of Group I in the present application includes an election to prosecute the claims 1-13 and new claims 23-25.

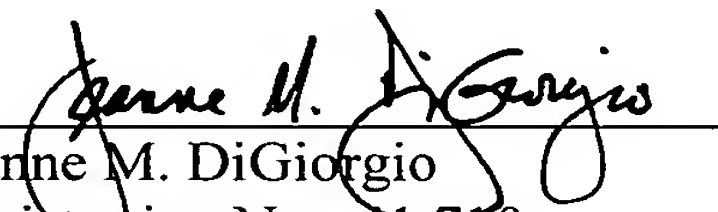
No new matter has been added. The foregoing amendments have been made solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

**SUMMARY**

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Dated: July 16, 2004

Respectfully submitted,

By   
Jeanne M. DiGiorgio  
Registration No.: 41,710  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant